THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.15796 OF 2000

DATED: 14.11.2007

Between:

Pothapragada Venkata Ramesham

.. Petitioner

And

Chief General Manager, State Bank of India, Local Head Office, Koti, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.15796 OF 2000

ORDER:

This writ petition is filed questioning the punishment of dismissal from service imposed on the petitioner as a disciplinary measure for misappropriation of amounts tendered by some agricultural borrowers towards credit of their loan accounts, while working with State Bank of India as Branch Manager, Iragavaram Branch, West Godavari District.

Learned counsel for the petitioner submits that imposing the punishment of dismissal from service, though the petitioner had reimbursed the amount alleged to be misappropriated by him, is arbitrary and illegal. The respondents ought to have considered the case of the petitioner for imposing lesser punishment such as compulsory retirement or removal from service, instead of dismissal from service which denies him of the benefits accrued to him for the long service rendered, and moreover the past history of the petitioner was clean and, except the alleged misconduct, no other misconduct was committed by him, therefore, the impugned order may be set aside and the authorities may be directed to reconsider the matter for imposition of lesser punishment on the petitioner.

May be, except the alleged misconduct, no other misconduct was complained to be committed by the petitioner in his entire service, but

that itself will not entitle the petitioner to seek interference of this Court with the impugned punishment of dismissal from service. It is for the respondent authorities to reconsider the matter as to whether the punishment of dismissal from service can be reduced to that of removal from service or compulsory retirement etc.

However, after advancing the arguments as noted above, the learned counsel for the petitioner, on instructions from the petitioner who is present in the Court, seeks permission of this Court to withdraw the writ petition so as to enable the petitioner to make a fresh application before the disciplinary authority for reconsideration of his case for imposition of lesser punishment.

Permission is accorded.

The writ petition is, accordingly, dismissed as withdrawn, leaving liberty to the petitioner to make a fresh application before the disciplinary authority for reconsideration of his case for imposition of lesser punishment such as removal from service or compulsory retirement from service etc. and, on such application, the disciplinary authority shall consider the same without reference to the orders passed by the appellate authority and pass appropriate orders, within a period of four weeks from the date of filing of the application by the petitioner, and communicate the same to the petitioner. No order as to costs.

C.V.RAMULU, J

14th November, 2007

IBL